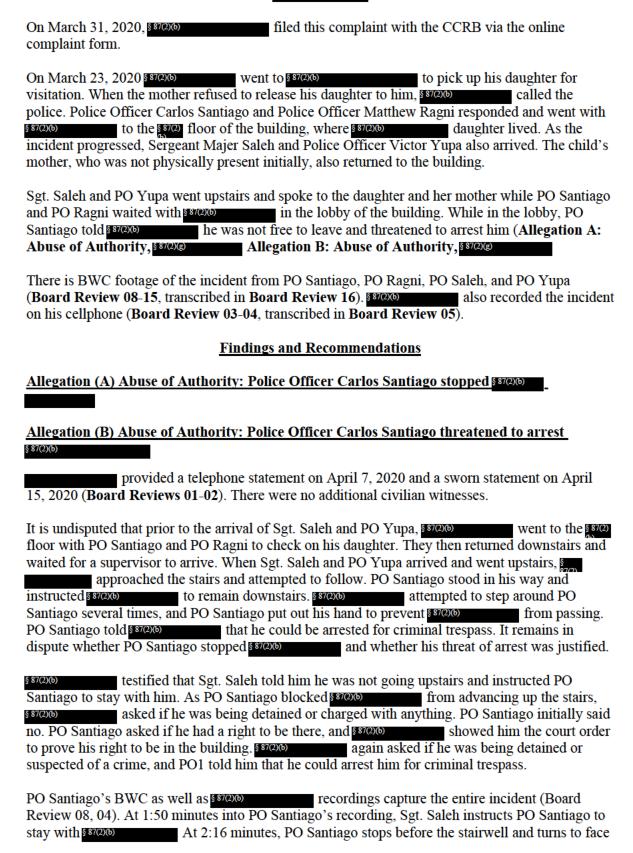
## CCRB INVESTIGATIVE RECOMMENDATION

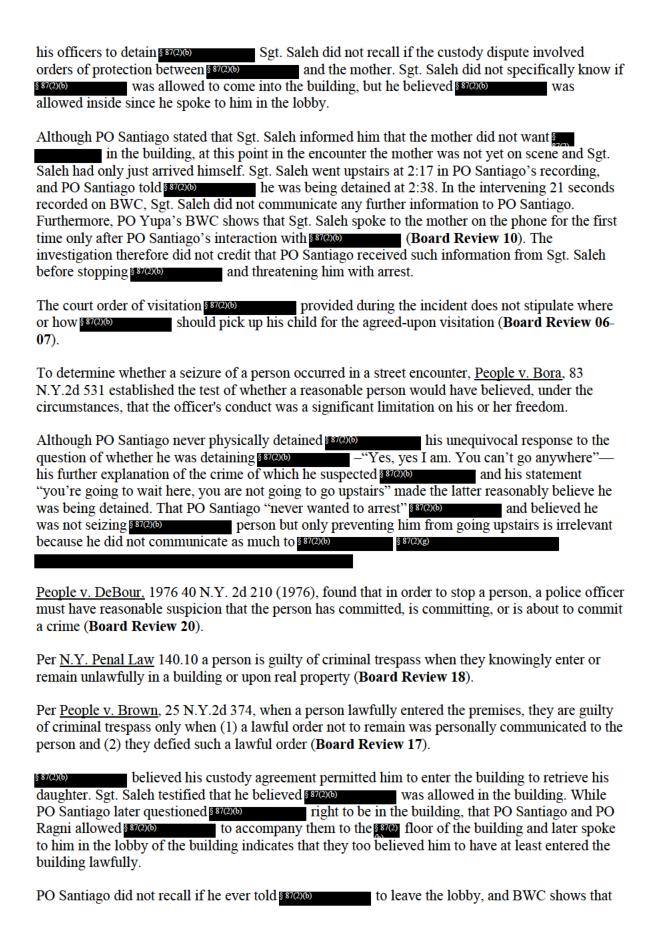
Investigator:		Team:	CCRB Case #:		Force		Discourt.	U.S.
Emma Kaisla		Squad #15	202002458	☑	Abuse		O.L.	☐ Injury
Incident Date(s)		Location of Incident:			18 N	Io. SC	OL	Precinct:
Monday, 03/23/2020 2:30 PM		§ 87(2)(b)			5/4	4/2022	2	34
Date/Time CV Reported		CV Reported At:	How CV Reported:		Date/Tim	e Rece	eived at CCI	B
Tue, 03/31/2020 11:25 AM		CCRB	On-line website		Tue, 03/3	1/2020	0 11:25 AM	[
Complainant/Victim	Type	Home Addre	ss					
Subject Officer(s)	Shield	TaxID	Command					
1. POM Carlos Santiago	07991	939418	034 PCT					
Witness Officer(s)	Shield N	o Tax No	Cmd Name					
1. POM Matthew Ragni	14105	968078	034 PCT					
2. SGT Majer Saleh	02402	929110	034 PCT					
3. POM Victor Yupa	23804	955685	034 PCT					
Officer(s)	Allegatio	on			Inv	estiga	tor Recon	nmendation
A . POM Carlos Santiago	Abuse: Police Officer Carlos Santiago stopped [857(2)(6)							
B . POM Carlos Santiago	Abuse: Police Officer Carlos Santiago threatened to arrest \$87(2)(6)							

## Case Summary



attempts to pass, and PO Santiago blocks him and informs him he is not going upstairs. At 2:24 into the recording, service asks if he is being detained, and PO Santiago says no. moves to pass him again, and PO Santiago blocks his movement by lifting his arm. At 2:25 PO Santiago asks if service is allowed in the building and if service lives there. Service responds that he is allowed in the building. The two debate service right to be in the building. At 2:38, service asks if PO Santiago is detaining him, and PO Santiago replies, "Yes, yes I am. You can't go anywhere." service asks why and if he is suspected of a crime. At 2:51 into the recording, PO Santiago states he
again tries to pass PO Santiago, and at 3:09 PO Santiago informs "you're going to wait here, you are not going to go upstairs" and remains in his path. Eventually the two men separate and wait downstairs without further discussion.
PO Yupa's BWC shows that Sgt. Saleh spoke to the mother, who was not at home at the beginning of the incident, on the phone for the first time after PO Santiago stopped and threatened with arrest (3:05 minutes into the recording, <b>Board Review 10</b> ).
PO Santiago testified that Sgt. Saleh told PO Ragni and himself to make sure stayed downstairs. PO Santiago then stood in front of the staircase to make sure would not pass him. PO Santiago initially stated that staircase to make sure stopped in the sense that he was not free to go. He did not take any physical actions to prevent from going upstairs, but he did so because of the domestic dispute. In such instances, officers typically try to keep involved parties apart. PO Santiago was not seizing person but rather preventing him from going upstairs. PO Santiago did not recall if he explained that distinction to when Sgt. Saleh went upstairs, stairs, stairs, and adversarial; he expressed this emotion verbally.
PO Santiago thought could be arrested for criminal trespass because he did not have permission to be in the lobby. To avoid criminal trespass, one needs authority or permission to be at a location. Because the mother stated he did not have the authority to be there and pick up his child, there was no reason for him to be there. Sgt. Saleh communicated this information from the mother to PO Santiago, but PO Santiago did not recall how he received this information as he was downstairs and Sgt. Saleh was upstairs. PO Santiago never spoke to the mother. PO Santiago did not recall if he ever asked saleh was upstairs to step outside the building. PO Santiago did not recall suspecting and criminality besides criminal trespass.
After reviewing the footage in which he told \$\$7000 that "yes" he was being detained, PO Santiago stated \$\$7000 was not actually being detained. PO Santiago only told him that because \$\$7000 was being so adversarial, and he had already explained things to \$\$7000 in many different ways. PO Santiago said \$\$7000 was being detained to satisfy repeated questions and to communicate that if he continued acting the way he was, he would be arrested for criminal trespass. PO Santiago never physically detained \$\$7000 PO Santiago "never wanted to arrest the individual" \$\$7000 PO Santiago estimated he waited in the lobby with \$\$7000 for 20 to 25 minutes.
Sgt. Saleh testified that while he went upstairs, \$\$7000 PO Santiago, and PO Ragni waited in the lobby. Sgt. Saleh did not suspect \$\$7000 he was simply waiting downstairs. Sgt. Saleh never instructed \$\$7000 he was not free to go. Sgt. Saleh did not recall ever instructing

 $CCRB\ CTS-Confidential$ 



**CCRB Case # 202002458** 

because neither stopped and thr communicate a defied an order	permission to be in the Sgt. Saleh nor the model to arrest section and the state of that did not exist. PO to trespassing than that	o. As discussed above, whether the the building at any later point in the other herself had informed PO San Furthermore, PO Sant remain to \$87000 Santiago did not provide any other the mother did not want him there any other criminal activity.	tiago of this by the time he tiago did not personally could not have treason he believed
	<u>Civilia</u>	nn and Officer CCRB Histories	
<ul> <li>PO San</li> </ul>	itiago has been a mem CRB complaints and t	has been a paraber of service for fifteen years. He twelve total allegations, one of what allegation was substantiated, and action.	e has been a subject in six ich was substantiated.
	declined to n anuary 22, 2021, the N	ntion, Civil and Criminal Histori mediate his complaint. New York City Office of the Comp egarding this complaint ( <b>Board R</b>	ptroller has no record of a
Squad No.:	15		
Investigator:	Emma Kaisla Signature	Inv. Emma Kaisla Print Title & Name	<u>3/24/21</u> Date
Squad Leader:	Simon Wang Signature	IM Simon Wang Print Title & Name	03/23/2021 Date
Reviewer:	Signature	Print Title & Name	Date